

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE  
U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED  
September 30, 2024  
LAURA A. AUSTIN, CLERK  
BY: s/ M.Poff, Deputy Clerk

MARTHA KAY BAIRD HOOKER,

Plaintiff,

v.

CHERYL FACCIANI, et al.,

Defendants.

Civil Action No. 7:23-cv-00750

By: Elizabeth K. Dillon  
Chief United States District Judge

**ORDER**

For the reasons set forth in the accompanying memorandum opinion, it is hereby ORDERED that the defendant's motion to dismiss (Dkt. No. 20) is GRANTED IN PART and DENIED IN PART as follows:

1. The motion to dismiss the official-capacity claims is GRANTED, and those claims are DISMISSED WITHOUT PREJUDICE;
2. The motion to dismiss Count II—the *Bowman* wrongful termination claim—is GRANTED, and Count II is DISMISSED WITHOUT PREJUDICE; and
3. The motion to dismiss Count I—the First Amendment retaliation claim under 42 U.S.C. § 1983—is DENIED.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to all counsel of record.

Entered: September 30, 2024.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
Chief United States District Judge